



MINUTES OF THE SOLID WASTE BOARD MEETING
Indiana Government Center South
402 West Washington Street
Conference Center Rooms 4 and 5
Indianapolis, Indiana
August 26, 2003

The meeting was called to order by Mayor William Graham, Vice Chairperson, at 1:37 p.m. Those present for all or part of the meeting were:

Mr. Rick Dyar
Ms. Linda Cosgrove
Mr. Howard Cundiff (Proxy, Indiana State Department of Health)
Mr. Craig Bair (Proxy, Department of Natural Resources)
Ms. Pamela Fisher, (Proxy, Lieutenant Governor's Office)
Ms. Deborah Albright, Board Counsel

A quorum was not present.

In addition, the following IDEM staff members were present for all or part of the meeting:

Ms. Lori Kaplan, Commissioner, Indiana Department of Environmental Management
Mr. Tim Method, Deputy Commissioner, Environmental Results
Mr. Bruce Palin, Deputy Assistant Commissioner, Office of Land Quality
Mr. Michael Dalton, Chief, Operations and Information Branch, Rules, Planning and Outreach Section
Ms. Lynn West, Operations and Information Branch, Rules, Planning and Outreach Section
Mr. Steve Mojonier, Operations and Information Branch, Rules, Planning and Outreach Section
Mr. Louis McFadden, Operations and Information Branch, Rules, Planning and Outreach Section
Ms. Marjorie Samuel, Operations and Information Branch, Rules, Planning and Outreach Section
Ms. Ann Long, Office of Legal Counsel

Mayor Graham opened the meeting at 1:37 p.m. Mayor Graham announced that the Board would suspend exercises of its duties as specified by IC 13-19-2-5, subsection C, because the reappointments of the industry and public representatives were delayed more than sixty days. Mayor Graham said that Mark Davis, Monroe County Solid Waste Management District, had been appointed to represent the solid waste management districts, but he was unable to attend the meeting. Mr. Davis would be monitoring the meeting by telephone.

Mayor Graham then introduced the Commissioner of the Indiana Department of Environmental Management, Lori Kaplan, to present the Sagamore of the Wabash Award to Jeff Carter, former Chairperson of the Board. Ms. Kaplan said that, on behalf of Governor O'Bannon, she was presenting Mr. Carter with the Sagamore of the Wabash Award, the highest honor the Governor of Indiana can give, for his important work as Chairperson of the Solid Waste Management Board. She reviewed the history of the award and said that the Sagamore is a "...personal tribute usually given to those who have rendered a distinguished service to the state..." Mr. Carter was also presented with a letter from the governor and a lapel pin.

Mr. Carter thanked the Board and commended them for service to the public. He said that he felt the work of the board is important and encouraged board members to continue to "... do the right thing for the Indiana environment."

1. Mayor Graham announced that

APPROVAL OF

approval of the minutes from the Solid Waste Management Board meetings of November 19, 2002, and March 18, 2002. would be postponed to the October 21, 2003 board meeting.

MINUTES

2. Mayor Graham then asked Mr. Bruce Palin to address the Board. Mr. Palin referred to the rulemaking schedule and noted that no new rules had been added. He said that a potential rule being discussed for future action would create a combined asbestos certification with the Office of Air Management. This would eliminate some duplicative requirements in training for landfill operators who accept asbestos materials. Mr. Palin said that, as a result of the tire fire that occurred in Muncie, there may be some reevaluations and changes to the current tire rules that would result in a rulemaking action.

ASSISTANT COMMISSIONER'S REPORT

Mayor Graham then introduced Ms. Tonya Galbraith, Director, Business and Legislative Relations, to talk about recent legislation that will affect the board. She referred board members to the legislative summary and a list of Solid Waste Management Board directives from the legislature. She specifically mentioned the following:

HEA 1221 - prohibits the rulemaking board or any legislation from being more stringent than federal law until July 1, 2005.

SEA 417 - prohibits the board from adopting rules regarding the disposal and use of permissible types of coal combustion products. The types of uses for permissible coal combustion products is expanded.

HEA 1671 - adds additional steps for rules that exceed federal standards; adds additional requirement for fiscal analyses of rules; details public input procedure on nonrule policy documents; directs the Environmental Quality Service Council to study rulemaking operations and efficiency and submit a final report to the Governor and executive director of the Legislative Services agency; includes language regarding the Office of Environmental Adjudication and notification of final orders to the environmental boards.

Ms. Galbraith asked for any questions. There being none, she told board members that they were welcome to call her about legislative matters.

Mayor Graham then announced that hearings on the following rulemaking actions would be opened and continued to the October 21, 2003 Solid Waste Management Board meeting, to be held at the Indiana Government Center South, Conference Center Room A at 1:30 p.m.

- A. Final adoption of amendments to rules of the Board at 329 IAC 3.1, hereafter known as the 2002 Hazardous Waste Annual Update Rule, noticed in the *Indiana Register* at 26 IR 3672.
- B. Final adoption of amendments to rules of the Board at 329 IAC 9, hereafter known as the Underground Storage Tank Change Rule, noticed in the *Indiana Register* at 26 IR 3671.

Mayor Graham then announced that hearings on the following rulemaking action would be postponed to the October 21, 2003 Solid Waste Management Board meeting, to be held at the Indiana Government Center South, Conference Center Room A at 1:30 p.m.

- A. Final adoption of amendments to 329 IAC 10, hereafter known as the Solid Waste Land Disposal Facilities Rule, and will be renoticed for October 21, 2003, in the *Indiana Register*.
- B. Final adoption of Removal of References to Special and Industrial Waste from 329 IAC 10

through 329 IAC 13, originally scheduled for hearing on July 15, 2003, and renoticed for October 21, 2003, in the *Indiana Register*.

Mayor Graham said that the 2002 Hazardous Waste Annual Update Rule and the Underground Storage Tank Change Rule were included in the board packet for this meeting and are available for public inspection in the Indiana Department of Environmental Management File Room, located on the 12th floor of the Indiana Government Center North. The proposed rule for the 2002 Hazardous Waste Annual Update Rule was published in the January 1, 2003 Indiana Register at 26 IR 1239. The proposed rule for the Underground Storage Tank Change Rule was published in the January 1, 2003 Indiana Register at 26 IR 1201. Instructions were given to the public regarding offering oral statements and comments to the Board; the court reporter was affirmed.

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| 3. | Mayor Graham then opened the hearing for final adoption of adoption of new rules and amendments to rules of the Board at 329 IAC 3.1, hereafter known as the 2002 Hazardous Waste Annual Update Rule. Exhibit A, the proposed rule was introduced into the record. He then asked Mr. Steve Mojonnier to address the board. | FINAL ADOPTION
2002 HAZARDOUS WASTE
UPDATE |
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Mr. Mojonnier reviewed the history of the rulemaking and explained that because Indiana is authorized by the U.S. EPA to administer the hazardous waste management program, it is a requirement to keep the program consistent with the federal hazardous waste program. Adopting the federal amendments contained in the 2002 Hazardous Waste Update will accomplish this. Mr. Mojonnier then reviewed the six federal changes and also an amendment to delete an outdated reference to mercury containing lamps and clarifications for annual hazardous waste reports. Mr. Mojonnier said that the economic impact would be less than \$500,000 to the regulated community. Mr. Mojonnier concluded by recommending final adoption of the 2002 Hazardous Waste Annual Update Rule. For a complete account of Mr. Mojonnier's remarks, please see pages 16 through 19 on the official transcript of this meeting.

Mayor Graham asked if there were any comments. There being none, he continued the hearing to the October 21, 2003 Solid Waste Management Board meeting that will be held at the Indiana Government Center South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, at 1:30 p.m.

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| 4. | Mayor Graham then opened the hearing for final adoption of amendments to rules of the Board at 329 IAC 9, the Underground Storage Tank Change Rule. Exhibit B, the proposed rule and Exhibit B1, the list of suggested changes, were introduced into the record. Mayor Graham then asked Ms. Ann Long, Office of Legal Counsel, to address the Board. | FINAL ADOPTION
UNDERGROUND STORAGE TANK
CHANGE RULE |
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Ms. Long said that public comments and concerns were expressed at the preliminary adoption hearing on October 15, 2002, that needed to be addressed. She explained that a public meeting was held on December 17, 2002, to discuss six main concerns:

- ▶ Language was added in the rule to clarify tank and liner inspections.
- ▶ The 45-day requirement to submit an initial site characterization was changed to 60 days.

- ▶ A piezometer would be allowed to obtain initial site characterization data and to determine the need for monitoring wells.
- ▶ In the interest of flexibility no change was made in the proposal to delete the reference to SW846.
- ▶ The clause referring to the removal of a maximum of 12 inches of native soil during removal closure was deleted.
- ▶ No changes were made to the rule language regarding the requirement for having an environmental professional sign off on various stages of corrective action.

She also added that changes were made to accommodate the Indiana Attorney General's concerns and concluded by recommending final adoption of the rule. For a verbatim account of Ms. Long's remarks, please see pages 20 through 23 of the official transcript of this meeting.

Mayor Graham asked if there were any comments. There being none, he continued the hearing to the October 21, 2003 Solid Waste Management Board meeting that will be held at the Indiana Government Center South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, at 1:30 p.m.

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| 5. | Mayor Graham announced that the public hearing on the final adoption of amendments to 329 IAC 10 the Solid Waste Land Disposal Rule, was postponed and would be renoticed in the in the Change of Notice section of the <i>Indiana Register</i> for the Solid Waste Management Board meeting of October 21, 2003, Indiana Government Center South, Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana. | FINAL ADOPTION
AMENDMENTS TO THE SOLID
SOLID WASTE LAND DISPOSAL
FACILITIES AT 329 IAC 10 |
| 6. | Mayor Graham announced that the Removal of References to Special and Industrial Waste, 329 IAC 10 through 329 IAC 13, was renoticed in the Indiana Register for the Solid Waste Management Board meeting of October 21, 2003. | FINAL ADOPTION
REMOVAL OF REFERENCES
TO SPECIAL AND INDUSTRIAL
WASTE - 329 IAC 10 - 13 |
| 7. | Mayor Graham then asked for public comment on topics of interest and potential rulemakings in Title 329. There were no comments. | |
| 8. | Mayor Graham adjourned the meeting at 2:11 p.m. | ADJOURNMENT |

The next meeting will be October 21, 2003, at 1:30 p.m., in the Indiana Government Center South, Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana 46204.

TECHNICAL SECRETARY